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PRIVILEGE AND CONFIDENTIALITY NOTICE
The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (585) 263-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Examiner A. Kubelik Art Unit 1638	USPTO	(703) 746-4990	(703) 308-5059
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: June 19, 2003	No. of Pages: 8 (including this page)
Comments:		
RE: Serial No. 09/025,635 filed February 18, 1998		

First Class Mail Overnight Mail Hand Delivery This transmission will be the only form of delivery of this document

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CONFIRMATION: DATE SENT _____ TIME _____ BY _____

INTEROFFICE TO: Albany Boston Buffalo Garden City
 Northern Virginia Orange County Providence Hartford
 Rochester Manchester San Francisco New York City
 Washington

To:	Company	Fax #:	Telephone #:
1) Examiner A. Kubelik Art Unit 1638	USPTO	(703) 746-4990	(703) 308-5059
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INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Michael L. Goldman	Date: June 19, 2003	No. of Pages: 8 (including this page)	Client/Matter: 19603/1552
User #: 1206	Ext: 1304	Disbursement Amount: \$	

FAX7499.1

Received from <585 263 1600> at 6/19/03 3:30:00 PM [Eastern Daylight Time]

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:
 DUPLICATE

Address to:	Attorney Docket No. of Prior Application	19603/1552 (CRF D-2052D)
Mail Stop CPA Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	First Named Inventor	Sheng-Zhi Pang
	Examiner Name	A. Kubelik
	Group Art Unit	1638
	Express Mail Label No.	EV138584834US

This is a request for a continuation or divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/025,635, filed on February 18, 1998, entitled **DNA CONSTRUCT TO CONFER MULTIPLE TRAITS ON PLANTS**.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.51(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request; 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
 - b. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. PTO-1449
 - b. Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		77-20 =	57	x \$18=	\$1026.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (s))		2-3 =	0	x \$84=	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	\$750.00
				Total of above Calculations =	\$1776.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Release claims in excess of 20 and over original patent.					
** Release independent claims over original patent.					
6. <input type="checkbox"/> Small entity status: Applicant claims small entity status. See 37 CFR 1.27.					
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 14-1138:					
a. <input type="checkbox"/> Fees required under 37 CFR 1.16.					
b. <input type="checkbox"/> Fees required under 37 CFR 1.17.					
c. <input type="checkbox"/> Fees required under 37 CFR 1.18.					
8. <input checked="" type="checkbox"/> A check to cover the \$1776.00 filing fee is enclosed.					
9. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
10. <input type="checkbox"/> Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.					
11. <input type="checkbox"/> New Attorney Docket Number, if desired <small>(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)</small>					
12. a. <input type="checkbox"/> Receipt For Facsimile Transmitted CPA (PTO/SB/29A)					
b. <input type="checkbox"/> Return Receipt Postcard (Should be specifically itemized, See MPEP 503)					
13. <input type="checkbox"/> Other:					
NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.					
14. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label					<input checked="" type="checkbox"/> New correspondence address below <small>(Insert Customer No. or Attach bar code label here)</small>
Name	Nixon Peabody LLP				
Address	Clinton Square, P.O. Box 31051				
City	Rochester	State	NY	Zip Code	14603-1051
Country	USA	Telephone	(585) 263-1304	Fax	(585) 263-1600

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED					
Name (Print/Type)	Edwin V. Merkel				
Signature					
Registration No. (Attorney/Agent)	40,087				
Date	May 27, 2003				

EXPRESS MAIL CERTIFICATEDOCKET NO.: **19603/1552 (CRF D-2052D)**APPLICANTS: **Sheng-Zhi Pang, Dennis Gonsalves, and Fuh-Jyh Jan**TITLE: **DNA CONSTRUCT TO CONFER MULTIPLE TRAITS ON
PLANTS**

Certificate is attached to the Fee Transmittal (1 page) (in duplicate) of the above-named application.

EXPRESS MAIL NUMBER: **EV138584834US**DATE OF DEPOSIT: **May 27, 2003**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Shawn A. Lockett

(Typed or printed name of person
mailing paper or fee)


(Signature of person mailing paper
or fee)

R687499.1

Received from <585 263 1600> at 6/19/03 3:30:00 PM [Eastern Daylight Time]

FEE TRANSMITTAL FOR FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(S)2,186

Complete if Known

Application Number	09/025,635
Filing Date	February 18, 1998
First Named Inventor	Sheng-Zhi Pang
Examiner Name	A. Kubelik
Art Unit	1638
Attorney Docket No.	19603/1552 (CRF D-2052D)

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number
14-1138

Deposit Account Name
Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (S)	Fee	Fee Code (S)	Fee	Fee Description	Fee Paid
1001	750	2001	375			Utility filing fee	750
1002	330	2002	165			Design filing fee	
1003	320	2003	260			Plant filing fee	
1004	750	2004	375			Reissue filing fee	
1005	160	2005	80			Provisional filing fee	
SUBTOTAL (1)			(S) 750				

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Fee from Extra Claims below	Fee Paid
Total Claims	27	20** = (S) 57	X 18 = 1026
Independent Claims	2	3*** = (S) 0	X 84 = 0
Multiple Dependent		X (S) 0	= 0

Large Entity	Small Entity	Fee Code (S)	Fee	Fee Description
1201	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claims, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)			(S)1,026	

** or number previously paid, if greater; For Reissue, see above

FEE CALCULATION (continued)

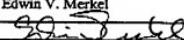
3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description
Fee Code (S)	Fee Code (S)	Fee Description
1031	130	2051 65
1032	50	2052 25
1033	130	1055 130
1812	2,520	1812 2,520
1804	920*	1504 920*
1805	1,840*	1805 1,840*
1251	110	2251 55
1252	410	2252 205
1253	950	2253 465
1254	1,450	2254 725
1255	1,970	2255 985
1401	320	2401 160
1402	320	2402 160
1403	280	2403 140
1451	1,510	1451 1,510
1452	110	2452 55
1453	1,300	2453 650
1501	1,300	2501 650
1502	470	2502 235
1503	630	2503 315
1460	130	1460 130
1807	50	1807 50
1806	180	1806 180
8021	40	8021 40
1809	750	2809 375
1810	750	2810 375
1801	750	2801 375
1802	900	1802 900
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (S) 410

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]
 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO at _____ on _____.

Signature: _____

Name: Jo Ann Whalen

SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Edwin V. Merkel	Registration No. (Attorney/Agent)	40,087	Telephone (585) 263-1128
Signature		Date	May 27, 2003	